



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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May 26, 2020

Via ECF

Hon. Allyne R. Ross
Hon. Steven Tiscione
United States District Court
Eastern District of New York
225 Camden Plaza East
Brooklyn, New York 11201

Re: SEC v. Auerbach et al.
No. 19 Civ. 5631

Dear Judge Ross and Judge Tiscione:

We represent the Plaintiff, Securities and Exchange Commission ("Commission"), in this action. We write to respectfully request that the Court relieve the parties of the obligations imposed by its May 14, 2020 Scheduling Order -- to issue a Discovery Plan Worksheet by June 26, 2020 and to attend an initial conference on June 30, 2020 -- in light of the partial judgments already issued with respect to Defendants Auerbach and Brown and the enclosed proposed partial judgment with respect to Defendant Mitchell.

On February 13, 2020 and February 18, 2020, Judge Ross issued partial judgments on consent with respect to Defendant Auerbach and Defendant Brown. Pursuant to the judgments, both defendants consented to the imposition of injunctions against future violations of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder, and Defendant Brown also consented to the entry of a penny stock bar pursuant to Section 21(d)(6) of the Exchange Act. The judgments left monetary remedies for later resolution upon further consent or by the Commission's motion.

Enclosed for the Court's consideration is a similar proposed partial Judgment on consent against Defendant Jared Mitchell. Pursuant to the proposed Judgment, Mr. Mitchell consents to the imposition of an injunction against future violations of Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder. The proposed Judgment leaves the entry of a penny stock bar and monetary remedies for later resolution upon further consent or by the Commission's motion. If the proposed Judgment is acceptable to the Court, we respectfully request that the Court enter it and docket it with its Consent.

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In light of the foregoing, none of the parties intend to engage in any discovery. We respectfully request that the Court relieve the parties of the obligation to submit a Discovery Plan Worksheet and cancel the initial conference. Defendants Auerbach, Brown and Mitchell join in this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tejal D. Shah', written in a cursive style.

Tejal D. Shah

cc: Roland Riopelle, Esq.
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